

REMARKS

Claims 1-19 are pending.

The Office Action rejects claims 1-3, 6, 7, 9, 10, 12, 13, and 15 under 35 U.S.C. §102(e) over U.S. Patent 6,392,786 to Albert. The rejection is respectfully traversed.

As argued in Applicants' August 20, 2003 response, and found to be persuasive in paragraph 2 of the September 10, 2003 Final Rejection, Albert does not disclose "providing plural colorant particles on at least one of a first flat substrate and a side of a second substrate," as recited in claims 1, 2, 6, 9, and 12, or "providing plural colorant particles on one or both of a first flat substrate and a second flat substrate," as recited in claims 3, 7, 10, 13, and 15. It is clear from the specification and Figures of Albert that the plural colorant particles 116 are sealed in microcapsules 112 containing a liquid 114 (column 2, lines 33-47; column 7, lines 4-62; column 15, lines 51-column 17, line 62; Figures 1-3). These microcapsules 112 are then placed between two substrates 102 and 108 with a spacer (column 2, line 33-column 4, line 19; column 7, line 4-column 8, line 31; Figures 1-3). However, the alleged plural colorant particles 116 are never provided on either of the two substrates 102 or 108. Rather, the plural colorant particles 116 are sealed in the microcapsules 112 and are never on, nor ever even come into contact with, the substrates 102 or 108.

Because Albert does not disclose that the particles 116 are disposed on one or both of the substrates 102 and 108, it does not disclose all the features of claims 1-3, 6, 7, 9, 10, 12, 13, and 15. Thus, claims 1-3, 6, 7, 9, 10, 12, 13, and 15 are patentable over Albert under 35 U.S.C. §102(e). As a result, Applicants respectfully request that the rejection be withdrawn.

Claims 1-4, 6, 7, 9, 10, 12, 13, 15-17, and 19 are rejected under 35 U.S.C. §103(a) over U.S. Patent 2,940,847 to Kaprelian in view of Albert. The rejection is respectfully traversed.

The Office Action alleges that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method for manufacturing an image displaying medium of Kaprelian with the teaching of Albert by having the spacer member formed of a resin or an elastic material so as to maintain a distance between the two substrates to provide a necessary stress relief when the pressure is applied to the medium. This is incorrect. In fact, Kaprelian specifically teaches away from the use of any spacer member fixed between the two substrates, as recited in claims 1-4, 6, 7, 9, 10, 12, 13, 15-17, and 19.

MPEP §2143.01 states that a proposed modification under 35 U.S.C. §103 cannot render the prior art unsatisfactory for its intended purpose. As argued in detail in Applicants' August 20, 2003 response, a spacer member cannot be fixed between the various substrates of Kaprelian (referred to as 62 and 64 in the present Final Rejection) because the substrates must be separated so that the image may be transferred onto a final support (column 3, lines 27-71; column 4, lines 4-50; column 4, line 54-column 5, line 30; Figures 7-14). If any of the substrates were to be fixed with a spacer in between (as recited in claims 1-4, 6, 7, 9, 10, 12, 13, 15-17, and 19) they could not be separated. This argument was considered persuasive in paragraph 2 of the Final Rejection. Thus, the modification proposed by the Rejection would render Kaprelian unsatisfactory for its intended purpose under MPEP §2143.01.

Because the proposed modification of the present Rejection would render the prior art unsatisfactory for its intended purpose under MPEP §2143.01, there is no motivation to combine Kaprelian and Albert as suggested by the rejection. Therefore, Applicants respectfully request that the rejection of claims 1-4, 6, 7, 9, 10, 12, 13, 15-17, and 19 be withdrawn.

Claims 5, 8, 11, 14, and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kaprelian in view of Albert and further in view of U.S. Patent 5,558,977 to DePalma et al. (hereinafter "DePalma"). The rejection is respectfully traversed.

The rejection is premised upon the presumption that the combination of Kaprelian and Albert teaches, discloses, or suggests all of the features of claims 1-4, 6, 7, 9 10, 12, 13, 15-17, and 19. Because, as described above, the combination of Kaprelian and Albert does not teach, disclose, or suggest all the features of claims 1-4, 6, 7, 9, 10, 12, 13, 15-17, and 19, the rejection is moot. As such, Applicants respectfully request that the rejection be withdrawn.

Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-19 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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